

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Criminal Division

THE UNITED STATES OF AMERICA,)

vs.) Case No. 1:15MJ219

ARITA ORELLANA, JUAN)

Defendant.)

MOTION TO SUPPRESS

COMES NOW the Defendant, Juan Arita Orellana, by and through counsel, and hereby moves this honorable Court for an order suppressing all fruits of the illegal detention, search and seizure of the Defendant, conducted on or about April 5, 2015, including but not limited to the Defendant's identity, any items seized from the vehicle or from the Defendant, and the Defendant's statements regarding the same, if any, and ordering the United States and its witnesses to refrain from referring to the suppressed information.

AS GROUNDS THEREFORE, Defendant states as follows:

1. The Defendant is charged with violation of 18.2-266, 1950 Code of Virginia, as amended (Driving While Intoxicated), assimilated pursuant to 18 U.S.C. §13, all on April 5, 2015.
2. On or about April 5, 2015, upon information and belief, the Defendant was unlawfully seized, ordered onto the military reservation of Ft. Myer, and stopped and searched by military police. Thereafter he was interrogated and requested to submit to chemical testing.

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3. As a result of the unlawful seizure and search, the United States collected the above-referenced and other evidence which is "the fruit of the poisonous tree" and must therefore be suppressed, including statements from the Defendant regarding the same;

4. In addition, on or about April 13, 2015 in writing by mail, and again orally at arraignment on or about April 20, 2015, counsel for the Defendant requested any and all video recordations of the Defendant on or about the Ft. Myer military reservation, including but not limited to video recordations of the Defendant as he approached the Hatfield Gate and once entering onto the base. To date, the defense has not received any such video recordations. Upon information and belief such video recordations exist and contain evidence exculpatory of the Defendant.

WHEREFORE, the Defendant prays this honorable Court grant an order suppressing all of the fruits of her illegal search of on or about April 5, 2015, including but not limited to the Defendant's identity, any testing of the Defendant subsequent to said stop, any items seized from the vehicle or from the Defendant, and the Defendant's statements regarding the same, if any, any chemical or other testing of the Defendant and/or his breath, and ordering the United States and its witnesses to refrain from referring to the suppressed information.

Respectfully submitted
/s/

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27th day of May, 2015, I forwarded a true and correct copy of the foregoing Motion to Suppress to the following by electronic transmission:

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Respectfully submitted
/s/

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